

April 7, 2008

RE: Comments on Low Power FM Third Report and Order, and
Second Notice of Proposed Rulemaking

Dear FCC,

The following comments are provided to document my support of the FCC's proposed actions outlined in the Low Power FM Third Report and Order and Second Notice of Proposed Rulemaking released on December 11, 2007. The proposed actions go a long way help Low Power FM (LPFM) stations threatened with encroachment and to make pragmatic changes to the requirements under which LPFM stations operate. As a founding member and Trustee of Portsmouth Community Radio WSCA-LP 106.1FM, the following comments are presented based upon extensive experience operating an free format, community-based LPFM station over the past four years.

Portsmouth Community Radio, a 100 watt LPFM station located along the Maine-New Hampshire border, has become an incredibly vital player in providing community access to the media and media localism. Portsmouth Community Radio has now been on the air for over 3.5 years, 24/7, broadcasting locally produced programming that is educational, challenging, diverse, and best of all, produced by community volunteers. WSCA-LP went on the air with an invitation to the community to get involved and now over 100 volunteers pass through that door every week. Portsmouth Community Radio boasts over 15 locally produced weekly public affairs shows which total over 20 unique hours of talk, civic, cultural, news, and arts programs prepared by volunteer community producers. We also broadcast over 190 hours per week of music programs produced live by volunteer DJs and feature numerous performances every week by local musicians that would otherwise have no access to the radio airwaves. The programming engages the community with such programming as interviews with community leaders and government officials, a weekly local non-profit feature show, interviews local artists, or broadcasting the Portsmouth Schools Music Department concerts. That's only a snapshot of WSCA-LP's programming.

My specific comments follow:

Changes in Board of Directors/Trustees

I support the proposal to allow a change of more than 50 percent of a governing Board. Many LPFMs, such as WSCA-LP, are operated as a nonprofit with a volunteer Board of Directors. Turnover of more than 50 percent of a non-profit Board is typical over a period of several years and in many cases often required within the Bylaws of non-profit organizations. Furthermore I support the expansion of the residency radius from 10 miles to 20 miles for Board members. This change greatly improves the

pool of potential Board members with skills and experience that can contribute to the successful operation and management of a LPFM station.

Extension of Construction Permit

I support allowing extension of construction permits an additional 18 months if required by the applicant. Having personally been involved in the full process from initial application, through construction and going on the air, 18 months is a relatively short period of time for a non profit to organize resources, obtain zoning and construction approvals from local government agencies, and construct the necessary broadcast and transmission facilities.

Lifting Third Adjacent Channel Ban

The evidence is clear, the third adjacent channel ban resulting from the Radio Preservation Act of 2000 is not necessary. FCC research and the "Mitre Study" clearly conclude that the original FCC channel spacing rules were adequate to protect other radio stations from interference from 100 watt LPFM stations. The third adjacent channel ban severely crippled the LPFM program; it's time to reverse the unnecessary ban and I applaud the FCC for continuing to support this change.

LPFM vs. Translators

I support actions by the FCC to fairly resolve the impact upon existing and potential future LPFM stations created by the Great Translator Giveaway of 2003 where the overwhelming majority of applications were associated with speculators who abused the application process. Unquestionably, in most cases a LPFM providing local programming is providing a more valuable service to a community than a translator and this should be taken into account in any conflicts between LPFMs and translators. I support any efforts by the FCC to limit the number of translators allowed to repeat a full power station's signal and encourage the FCC to consider measures to give LPFM stations priority status over translators.

Encroachment on LPFMs

As a Board member for an operating LPFM station, and having personally seen the commitment of volunteers, the rich programming produced by community members, the vital role WSCA-LP now plays as a media resource in our community, and the financial resources required to get on the air and stay on the air, the ever looming potential for encroachment by a full power radio station is a great and ever present fear. Considering the success of many LPFMs and the contribution they make to the communities they serve, LPFMs need to be better protected from encroachment. If encroachment is unavoidable, the encroaching station should share some degree of responsibility for

mitigating the impact on the LPFM so that the LPFM station can remain on the air without a diminished broadcast area. One such possible resolution to ease a potential encroachment problem would be to allow second adjacent channel waivers.

In closing, I applaud the FCC's efforts to preserve and strengthen the presence of LPFMs stations on the FM dial, as well as, ensuring ample opportunities for additional LPFM stations to be established to provide local programming to communities.

Thank you for your thoughtful consideration of my comments.

Respectfully Submitted,

Timothy Stone

Trustee – Seacoast Arts and Cultural Alliance dba Portsmouth Community Radio